

# 61-58.1

## Construction and Operation Permits

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### Table of Contents

A. Applicability.....	20
B. Requirements for Construction Permits .....	20
C. Engineer's Report.....	22
D. Application for Public Water System Construction Permit .....	24
E. Construction Plans.....	24
F. Specifications.....	26
G. Design Data.....	27
H. Requirements for a General Construction Permit .....	28
I. Delegated Review Program .....	31
J. Revisions to Approved Plans .....	32
K. Requirements for Obtaining Approval to Place Permitted Construction into Operation .....	33
L. Drinking Water Dispensing Stations and Vending Machines .....	34
M. Bottled Water.....	34
N. Request for Review of Permit Decisions .....	34
O. Operating Permits.....	34

## **A. Applicability.**

This Regulation establishes procedures for obtaining construction and operational permits from the Department.

## **B. Requirements for Construction Permits.**

(1) Before the construction, expansion or modification of any public water system, application for a permit to construct shall be made to, and a permit to construct obtained from, the Department.

(2) The application for a permit to construct shall include the following documentation:

(a) a completed application form for a permit to construct submitted in triplicate (one original and two copies);

(b) four (4) sets of detailed plans (including location map);

(c) three (3) sets of material and construction specifications, except when Department-approved standard specifications are to be used for the construction project;

(d) design data and calculations;

(e) if the owner of the project is different from the utility supplying the water, a letter from the utility supplying the water stating their willingness and ability to serve the project;

(f) if the owner of the project is different from the person that will be responsible for operating and maintaining the project, a letter from that person acknowledging such responsibility; and,

(g) if the owner of the project is different from the entity which has legal authority to serve or grant franchises for the area in which the project is located, the application shall include a letter from that legal entity stating that the proposed project is consistent with the water supply service plan for the area. This letter is not required if the project will not supply water to any person within the service or franchise area, other than to the legal authority.

(3) The application procedure outlined in R.61-58.1(B)(2) is based on a design-bid-build concept for the construction of a project. The Department may consider on a case by case basis alternate design and construction concepts and issue construction permits accordingly.

(4) Before a permit to construct can be issued for a new public water system, the applicant shall demonstrate to the satisfaction of the Department that the new system will be a "viable water system" as defined in R.61-58(B). In addition to the documentation required in R.61-58.1(B)(2), the application for a permit to construct a new public water system shall include a management plan and a multi-year financial plan. These plans will not be required for those new systems whose only source of water is from an existing viable water system and the new system does not provide additional treatment to the water or sell the water. If the application proposes that the new system has its own source of water (i.e., its own well(s) or surface water treatment plant), the applicant shall evaluate the feasibility of connecting to an existing viable public water system as part of the demonstration of viability. This evaluation shall include, but not be limited to, a determination of the willingness and ability of an existing system to serve the project, water quality, capital cost of constructing the line extension versus constructing a new source and the operation and maintenance costs of both alternatives. Any cost comparisons between creating a new water system with its own source of water and connecting to an existing viable water system shall not be based on any

subsidized monitoring. Also any financing of the new system shall not utilize a loan amortization schedule which exceeds the useful life of the facility or its components. This demonstration of viability may be presented to the Department in the form of a Preliminary Engineering Report or as an engineering report submitted when applying for a permit to construct.

(5) For projects in the eight coastal counties, no permit may be issued until the project is found by the Department to be consistent with the Coastal Zone Management Program.

(6) Projects involving construction in state navigable waters will be evaluated by the Department for compliance with the Department's regulations concerning such construction before a permit may be issued.

(7) For projects involving a surface water discharge of water treatment residuals or wastewater, a National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department. For projects involving land application of water treatment residuals or wastewater, a No Discharge (ND) permit must be obtained from the Department. No construction permit can be issued for such projects until a valid NPDES or ND permit is obtained.

(8) For projects involving a new groundwater source(s), the permitting will be a two step process. In the first step the owner must submit an application for a permit to construct the source. This construction will involve the drilling of the well, the development of the well, conducting a pumping test in accordance with R.61-58.2(B)(12) and testing the water quality in accordance with R.61-58.2(B)(14). The second step will involve the permitting of the pumping equipment, concrete pad, well head piping, and any treatment, storage and/or distribution facilities associated with the source. The owner must make a second application for a permit to construct these facilities. This second application must include the well record form, the necessary plans and specifications and calculations for these facilities along with the results of the pumping test and water quality analyses. The Department may waive this two-step permitting process and issue a single construction permit for the entire project if the quality and quantity of water from the proposed well can be reasonably predicted through information available from existing wells in the immediate area or a test well. In the event the quantity and/or quality of water from the well is different than anticipated in the original design, revised plans and specifications must be submitted to the Department for approval prior to proceeding with the construction of the project.

(9) Construction permits are valid for three (3) years, from the date of issue, at which time the project must be completed or an extension must be applied for in writing. The extension request must be made by the professional engineer of record for the project and, if applicable, shall include current flow test data. Projects for which the permit to construct has been expired for more than one (1) year are considered new projects and must include a new application as required in paragraph 2 of this section.

(10) A permit to construct may be denied when:

(a) the project does not comply with the design requirements specified in R.61-58.2, R.61-58.3, and R.61-58.4;

(b) the water quality fails to comply with the drinking water standards specified in R.61- 58.5;

(c) the owner of a proposed new system fails to prove to the Department's satisfaction that the system will be a "viable water system" as defined in R.61-58(B); or,

(d) the project does not comply with the Department's regulations for permits for construction in navigable waters.

(e) the project does not comply with the Interbasin Transfer Act and R.121-12.1 et seq., Code of Laws of South Carolina, 1976, as amended.

(11) Piping associated with a service connection will not require a construction permit if the following conditions are met:

(a) all piping associated with the connection is dedicated strictly for use by a single customer being served water;

(b) the customer consists of only a single house, single mobile home, single building or multiple-building complex under single ownership with no rental units (e.g., schools or industry);

(c) the customer is not a shopping mall, multiple-building complex where there will be several owners or renters (e.g., apartment complex, condominium complex, mobile home park, campground, industrial park, or business park) or marina; and,

(d) the line serving the customer does not pass a lot or potential customer between the connection and the customer to be served (this includes the piping downstream or the service meter as well as piping upstream of the service meter).

(12) Failure to obtain a permit to construct is a violation of the Act (Code Section 44-55-40) and is subject to an enforcement action by the Department. Where a person has failed to obtain a permit to construct, an application for permit must be submitted and must include record drawings carrying the seal and signature of a professional engineer.

(13) A 15-day local government notification period shall lapse prior to the issuance of any construction permit. This notification period shall be waived for any projects permitted under the provisions of a general construction permit and delegated review program. This notification period may be waived by the cognizant local government or by the Department if the construction is necessary in order to maintain a safe and adequate supply of water during an emergency. A letter from the local government having potable water planning authority for the area approving the project constitutes a waiver by the cognizant local government.

(14) A dedicated fire line protected by an approved backflow prevention device located at the point of connection to the public water system's distribution line will not require a permit to construct.

### **C.Engineer's Report.**

A preliminary engineering report shall be prepared in triplicate for each new surface water intake, surface water treatment plant, expansion or modification to an existing surface water intake or surface water treatment plant, or other projects deemed necessary by the Department. This report shall carry the seal and signature of a professional engineer. The engineer's report shall, where pertinent, present the following information:

(1) General Information (Required for Each Report):

(a) name, address, phone number of owner, corporation, town or utility as well as name of responsible officer;

(b) name, address, phone number of engineering firm and name of engineer responsible for design;

(c) general description of service area and surroundings (type of economy, estimated percent residential, estimated percent industrial, terrain, location, possible rate of development);

(d) number and type of customers to be served, (i.e., domestic, industrial, commercial, agricultural, etc.); and,

(e) approval of any land use and development by area planning council which has jurisdiction.

## (2) Surface Water Sources

(a) location map including latitude and longitude of intake;

(b) name of source(s), type (river, lake, etc.) and classification (Water Classifications and Standards, R.61-68);

(c) watershed area;

(d) expected 7Q10 flow and lowest flow of record of source(s);

(e) name and type of discharges within ten (10) miles upstream (industrial, agricultural, municipal and other);

(f) chemical and bacteriological analyses of raw water. This analysis must include all parameters addressed in R.61-58.5;

(g) distance from raw water supply to reservoir or plant;

(h) proposed pumping rate from source;

(i) general description of intake and pump house; and,

(j) a detailed engineering and economic assessment on the feasibility of utilizing alternative water sources, or combinations of water sources, other than the proposed water source.

## (3) Water Treatment Plants

(a) Projected maximum volume of water to be treated;

(b) Year when plant is expected to operate at its maximum capacity;

(c) If existing, present operating capacity;

(d) Location map of plant;

(e) Height above the one hundred (100) year flood plain based on the best information available;

(f) Land available for future plant expansion;

(g) Proposed treatment scheme shown in block diagram;

(h) Proposed design criteria (retention times, velocities, weir overflow rates, filtration rates, etc.);

(i) Description of proposed method of handling, treating, and disposing of wastewater from plant (includes clarification sludge, filter backwash water, brines, etc.);

(j) Name(s) and grade(s) of operator(s);

(k) For modifications to existing treatment plant, report must include: Present capacity of raw water pumps, and a brief description of what effect proposed modification will have on existing facilities including velocities and retention times through plant; and,

(l) Detailed description of any pilot testing to be performed.

#### **D. Application for Public Water System Construction Permit.**

Three (3) copies (the original and two (2) copies) of the application form completed and signed by the professional engineer and the owner shall accompany all submittals for formal approval. Copies of this application form may be obtained from the Department and shall include:

(1) Name and location of project;

(2) Brief description of project including, if applicable, type of source, diameter of well, treatment, expected yield and storage, number and type of services length and size(s) of distribution lines and number of fire hydrants;

(3) Owner's name and address (person on whose behalf application is made);

(4) Name and address of utility or organization responsible for operating and maintaining the system;

(5) Name of the water system providing water;

(6) Department system number of the water system providing water, and;

(7) Signatures of the professional engineer(s) responsible for the design and construction inspections and the owner of the project.

#### **E. Construction Plans.**

Construction plans shall carry the seal and signature of a professional engineer and, where applicable, shall provide the following:

(1) General layout drawn to scale on plan sheets no larger than thirty (30) inches by forty- two (42) inches, including:

(a) suitable title;

(b) name of utility or owner;

(c) area or institution to be served;

(d) scale, in feet;

- (e) north reference point;
- (f) any physical or political boundaries within the area to be served including utility easements;
- (g) sufficient number of elevations (Mean Sea Level) to characterize terrain in the area;
- (h) date (including month, day, and year), address, and name of the professional engineer responsible for the design;
- (i) legible prints;
- (j) location and size of existing water mains;
- (k) location and nature of existing water works structures and appurtenances affecting the proposed improvements, noted on one sheet;
- (l) for small water systems supplied by wells, the location of all existing wells within the system; and,
- (m) site location map.

(2) Detailed plans, including:

- (a) Construction drawings of distribution system addition drawn to a scale of no smaller than one inch equals two hundred (200) feet showing location of all appurtenances referenced to fixed above ground objects including size, length, identity, and location of sewers, drains, water mains, plant structures, petroleum storage facilities, and for new well projects any other pollution source as defined under "Pollution Sources" in R.61-58.(B). The Department may grant a variance to the 200 feet/inch scale on a case by case basis if the drawings adequately show all necessary physical features mentioned in this item;
- (b) Where requested by the Department, profiles including hydraulic gradients for lines ten (10) inches and larger having a horizontal scale of not more than one hundred (100) feet to the inch and a vertical scale of not more than ten (10) feet to the inch, with both scales clearly indicated;
- (c) Stream crossings, providing profiles with elevations (MSL) of the stream bed and the normal and extreme high and low water levels;
- (d) Schematic drawing of proposed well construction, showing diameter and depth of drill hole(s), casing diameters and depths, grouting depths, elevations and designations of geological formations, water levels and other details to describe the proposed well completely;
- (e) Drawing(s) of wellhead construction showing the concrete pad, sanitary seal, screened vent, check valve, pressure gauge, flow meter, blowoff, sample tap, gate valve(s), air line and gauge for measuring water level in the well, protective cover for wellhead, well identification plate;
- (f) Topography and arrangement of present or planned wells or structures, with contour interval not greater than two (2) feet for a minimum one hundred (100) foot radius;
- (g) Elevation drawings of structures showing the one hundred (100) year flood plain (MSL) and elevations of floor, bottom, overflows, etc. within the structure;

(h) Location and size of property to be used for groundwater development with respect to known references;

(i) Location of all real or potential sources of pollution within two hundred fifty (250) feet of a groundwater source or wellhead protection area, whichever is greater, within one hundred (100) feet of a treated water ground storage facility and ten (10) miles upstream of a surface water intake;

(j) Schematic flow diagrams and hydraulic profiles showing flow through various plant units drawn on plan sheets the same size as the construction drawings;

(k) Location, dimensions, and elevations of all proposed plant facilities;

(l) Location of all plant piping in sufficient detail to show flow through plant including waste lines;

(m) Location of all chemical feeding equipment, points of application, and sample taps following chemical injection points;

(n) Location of sanitary or other facilities, such as lavatories, showers, toilets, lockers, etc.;

(o) All appurtenances, specific structures, and equipment pertinent to the project such as water plant structures (air relief valves, altitude valves, blowoffs, hydrants, service connections, etc.);

(p) Erosion control structures for wellhead blowoff and elevated and ground storage tank drains;

(q) Adequately detailed drawing of any feature or piece of equipment not otherwise covered or adequately described by the specifications; and,

(r) Protection of the water source, structures, and appurtenances, to include, but not be limited to, fencing, protective housing, or comparable form of security.

## **F. Specifications.**

The title page or cover of the specifications must carry the seal and signature of a professional engineer. Complete, detailed, technical specifications shall be supplied for each proposed project, and shall include, but not be limited to, the following:

(1) Construction specifications including:

(a) A detailed written program for maintaining normal operation of existing facilities during construction with minimal interruption of service;

(b) Laying methods and conditions including depth of cover, type of bedding and reaction blocking, and special structural details for water lines installed under storm drains;

(c) Pressure and leakage test procedures for new water mains including method of determining maximum allowable leakage;

(d) Disinfection procedure for all new or affected water system components to include disinfectant, dosage, contact time, and method for testing the results of the procedure;

(e) Well construction method and procedure;



- (f) Chlorination room construction; and,
- (g) Other chemical feeding facilities construction;
- (2) Material specifications including:
  - (a) Laboratory facilities and equipment, including sampling taps and their location;
  - (b) Number and design of chemical feeding equipment including make and model, if available;
  - (c) Equipment for sanitary or other facilities including any necessary backflow or back-siphonage protection;
  - (d) Water main and appurtenances schedule and class, including approval status by testing and certification organizations;
  - (e) Make, model, horsepower and performance curves of all pumping equipment; and,
  - (f) Paint coatings.
- (3) Testing and development procedure for new sources.
- (4) Standard specifications.

If a water system or professional engineering firm uses a set of its own standard specifications, such specifications may be submitted to the Department, in duplicate, for approval. Following this approval, no specifications will be required on future project submittals as long as no changes are made. If there are any additions, deletions, or revisions to the approved standard specifications for a particular project submitted, the professional engineer shall either submit three (3) copies of an addendum to the standard specifications covering the changes only, or shall submit three (3) complete copies of specifications for the project in question. Each professional engineer that will be using a standard specification must place his seal and signature on the title page and must place his seal and signature on any revisions.

#### **G. Design Data.**

A summary of complete design criteria and design calculations shall be submitted for each proposed project, and shall contain, but not be limited to, the following where applicable:

- (1) Pumping capacity of source;
- (2) Average daily water consumption;
- (3) Number and type(s) of proposed service connections;
- (4) fire flow requirements (refer to Section R.61-58.B for the definition of fire flow);
- (5) The results of a flow test conducted at a location near the proposed connection to the existing system. The results of this flow test shall include static pressure and residual pressure when a known flow, in excess of the demand for the proposed extension, is flowing. The time and date the flow test was conducted, the

pipe size, type of pipe, elevation and distance between the test point and connection site shall also be included;

- (6) Basin capacities;
- (7) Retention times;
- (8) Unit loadings;
- (9) Filter area and proposed filtration rate;
- (10) Backwash rate;
- (11) Feeder capacities and ranges;
- (12) Ground storage and transfer pump capacity;
- (13) System storage capacities; and,
- (14) System pressures at maximum instantaneous demand (not less than twenty-five (25) pounds per square inch); or fire flow in addition to peak hourly flow or flushing flow in addition to peak hourly flow (not less than twenty (20) pounds per square inch), whichever is the worst case.

#### **H. Requirements for a General Construction Permit.**

(1) A public water system which meets the following criteria may apply for a general permit for the construction of water line extensions.

(a) The system must have a full-time professional engineer on staff or a professional engineer on retainer.

(b) The system must have a full-time management and full-time inspection and maintenance staff.

(c) The system must have a set of design criteria which has been approved by the Department. This criteria shall be at least as stringent as that used by the Department.

(d) The system must have a set of approved construction specifications for water distribution lines on file with the Department. These specifications must bear the seal and signature of the professional engineer on staff or the professional engineer on retainer.

(e) The system must have historically demonstrated satisfactory bacteriological and chemical water quality as required by R.61-58.5, R.61-58.10, and R.61-58.11.

(f) The system must have a satisfactory pressure record as required by R.61- 58.4.D(4).

(g) The system must have implemented and maintained a viable cross connection control program in accordance with R.61-58.7(F);

(h) The system must have an active inspection program for new water distribution line construction.

(i) The system must maintain an updated map of the distribution system. This map must include the following, where applicable:

(i) Existing water distribution lines;

(ii) Location and size of all storage tanks, booster pump stations, pressure reducing valves, master metered connections, and fire hydrants; and,

(iii) Location of all water treatment plant(s), surface water intake(s), well(s) and connections to other public water systems; and,

(j) The system must have a computerized hydraulic model of its distribution system. This model shall include a sufficient number of lines to adequately represent the distribution system. This hydraulic model must be made available for review by the Department upon request.

(2) The application for a general construction permit shall include a completed application form for a permit to construct, submitted in triplicate (one original and two copies), and necessary documentation to show compliance with the criteria specified in R.61-58.1(H)(1). If the system does not have approved construction specifications or design criteria on file with the Department at the time of making application for a general construction permit, the application must include two (2) copies of its standard specifications and two (2) copies of its design criteria.

(3) A general construction permit shall be valid for a period of five (5) years. In order to renew the general construction permit, a new application must be submitted to the Department in accordance with R.61-58.1(H)(2).

(4) The Department may revoke the general construction permit at any time during the five year period for failure to maintain the qualifications as specified in R.61-58.1(H)(1) or failure to comply with the conditions of the permit. Such revocation is subject to appeal in accordance with the Administrative Procedures Act and applicable procedures for contested cases.

(5) The general permit shall apply to the construction of water line extensions only.

(6) For those systems which have a professional engineer on staff the following procedure shall be followed under the general construction permit:

(a) An annual report shall be submitted, in duplicate, to the Department listing all water line extensions constructed during the calendar year. This report shall be submitted no later than January 30th following the year for which the report was prepared. This report shall include the following information for each line extension:

(i) street name;

(ii) size(s) and length(s) of line; and,

(iii) type of customer(s) being served.

(b) If a line extension is for the connection of the distribution system to an additional source of water, the general construction permit will not apply and the system shall make application for a permit to construct in accordance with R.61-58.1(B).

(c) For those projects which are in the eight (8) coastal counties, the system shall obtain approval, prior to construction, from the Office of Ocean and Coastal Resources Management certifying that the project is consistent with the Coastal Zone Management Program.

(d) The system shall maintain, for a minimum of three years, records of all pressure testing and bacteriological analyses conducted in conjunction with each water line extension and make them available to the Department upon request.

(e) No approval from the Department will be required prior to placing any of the water line extensions into service.

(7) For those systems which have a professional engineer on retainer the following procedure shall be followed under the general construction permit:

(a) For all water line extensions greater than twenty-five hundred (2,500) linear feet, two (2) copies of line drawings, to scale, shall be submitted to the Department for permitting. This submittal shall also include a description of what is to be served and a flow test conducted near the point of connection to the existing system. The flow test information shall include the static pressure, flow, residual pressure and date, time, and duration of the test. These drawings shall carry the seal and signature of the professional engineer on retainer. A construction permit shall be issued by the Department prior to construction of the proposed line extension(s). Written approval shall be obtained from the Department prior to placing the water line extension(s) into service; and,

(b) For all water line extensions less than or equal to twenty-five hundred (2,500) linear feet, two (2) copies of line drawings, to scale, shall be submitted to the Department at least ten (10) days prior to construction. This submittal shall also include a description of what is to be served and a flow test conducted near the point of connection to the existing system. The flow test information shall include the static pressure, flow, residual pressure and date, time, and duration of the test. These drawings shall carry the seal and signature of the professional engineer on retainer. No additional construction permit will be required. However, if the Department suspects that there may be a problem with a proposed water line extension, the Department may require additional information to be submitted in order to justify the design. The Department shall be notified in writing within ten (10) days following the date the water line extension is placed into service. This notification shall include two copies of record drawings if the construction differed from the plans submitted under R.61-58.1.H(6)(a) and a copy of the results of all pressure testing and bacteriological analyses conducted in conjunction with the project. No written approval from the Department will be required prior to placing the extension into service.

For those projects which are in the eight (8) coastal counties, the system shall obtain approval, prior to construction, from the Office of Ocean and Coastal Resource Management certifying that the project is consistent with the Coastal Zone Management Program.

(8) The general permit shall include conditions to ensure compliance with the state program for permits to construct in navigable waters.

(9) The general construction permit applies only to the construction of those water lines designed, and owned or operated, by the public water system to which the general permit is issued. Permits for privately owned water lines must be obtained through the Delegated Permit program specified in R.61-58.1(I) or through the permitting process specified in R.61-58.1(B) through (G).

## **I. Delegated Review Program.**

- (1) A public water system which meets the following criteria may apply for delegated review authority.
  - (a) The system must have a professional engineer on staff.
  - (b) The system must have a full-time management and full-time inspection and maintenance staff.
  - (c) The system must have a set of design criteria which has been approved by the Department.
  - (d) The system must have a set of approved construction specifications for water distribution lines on file with the Department. These specifications must bear the seal and signature of the professional engineer on staff.
  - (e) The system must have historically demonstrated satisfactory bacteriological and chemical water quality as required by R.61-58.5, R.61-58.10, and R.61-58.11.
  - (f) The system must have a satisfactory pressure record as required by R.61-58.4.D(4).
  - (g) The system must have implemented and maintained a viable cross connection control program in accordance with R.61-58.7(F);
  - (h) The system must have an active inspection program for new water distribution line construction;
  - (i) The system must maintain an updated map of the distribution system. This map must include the following, where applicable:
    - (i) Existing water distribution lines;
    - (ii) Location and size of all storage tanks, booster pump stations, pressure reducing valves, master metered connections, and fire hydrants; and,
    - (iii) Location of all water treatment plant(s), surface water intake(s), well(s) and connections with other public water systems; and,
  - (j) The system must have a computerized hydraulic model of its distribution system. This model shall include a sufficient number of lines to adequately represent the distribution system. This hydraulic model must be made available for review by the Department upon request.
- (2) The application for delegated review authority shall include a completed application form for a permit to construct, submitted in triplicate (one original and two copies), and necessary documentation to show compliance with the criteria specified in R.61-58.1(I)(1). If the system does not have approved construction specifications or design criteria on file with the Department at the time of making application for delegated review authority, the application must include two (2) copies of its standard specifications and two (2) copies of its design criteria.
- (3) The Department may revoke a system's delegated review authority at any time for failure to maintain the qualifications as specified in R.61-58.1(I)(1) or failure to comply with the permitting procedures under the delegated review program. Such revocation is subject to appeal in accordance with the Administrative Procedures Act for contested cases.

(4) The delegated review program applies only to the permitting of line extensions which are not subject to the requirements for demonstrating viability as specified in R.61-58.1.B(4) and connecting to the system which has the delegated review authority.

(5) The procedure for obtaining a permit to construct under the delegated review program is as follows:

(a) The professional engineer for a water line extension project may submit plans and specifications and design data to the public water system with delegated review authority for review in lieu of submitting to the Department an application for a permit to construct as specified in R.61-58.I(B)(2). The delegated review authority shall review the project for compliance with its design criteria and construction specifications.

(b) Following a satisfactory review of the project by the delegated review authority, the system shall submit the following information to the Department for permitting:

(i) A transmittal letter, signed by the professional engineer on staff, which clearly states the project is being submitted under the delegated review program. This letter shall also state that the project has been reviewed and complies with the system's design criteria and construction specifications;

(ii) A completed application form for a permit to construct in duplicate (the original and one (1) copy);

(iii) Two (2) sets of plans bearing the seal and signature of the design engineer;

(iv) One (1) copy of the flow test results from a location near the tie-on site. This must include the static pressure and residual pressure while flowing in excess of the demand for the proposed extension. The time, date and duration of the flow test, the size of pipe, type pipe and distance to the tie-on site must be included;

(v) One (1) copy of design calculations indicating a minimum pressure of twenty-five (25) pounds per square inch must be maintained everywhere in the distribution system during instantaneous demand or twenty (20) pounds per square inch during fire flow plus peak hourly flow; and,

(vi) Two (2) copies of a site location map.

(c) Where applicable, the Department will review the project for consistency with the Coastal Zone Management Plan and for construction in navigable waters prior to issuing a permit to construct.

(d) Written approval must be obtained from the Department prior to placing the water line extension into service.

## **J. Revisions to Approved Plans.**

Any deviations from approved plans or specifications which could potentially effect capacity, hydraulic conditions, operating units, the functioning of water treatment processes, or the quality of the water to be delivered, shall be approved by the Department, in writing, before such changes are made. A revised application in accordance with R.61-58.1(B) will be required.

## **K. Requirements for Obtaining Approval to Place Permitted Construction into Operation.**

(1) Newly-constructed facilities shall not be placed into operation until written approval is issued by the Department, except where it is allowed by a general construction permit. Upon completion of permitted construction, the professional engineer shall make arrangements with the Department for final inspection. Prior to this inspection, the professional engineer shall submit to the Department a letter certifying that construction is complete and in accordance with the approved plans and specifications. This letter must specifically identify the project by permit number. If the project was not completed in accordance with the approved plans and specifications, the professional engineer shall so state and shall outline any deviations to the permitted project. No written approval shall be issued to place a drinking water construction project into operation until written approval is obtained to place any associated wastewater construction into operation. The following information, where applicable, shall be submitted with the professional engineer's letter of certification:

(a) Results of chemical, physical, radiological, and bacteriological analyses of new sources and/or treated water. These analyses shall be performed by a certified laboratory.

(b) Results of bacteriological analyses following disinfection, including chlorine residuals at the time of collection, which have been conducted within thirty (30) days of the request for final approval. These analyses shall be performed by a certified laboratory.

(c) Results of pressure/leakage test conducted on water lines;

(d) Record drawings of construction if the construction deviated from that approved;

(e) Completed Water Well Record form;

(f) Geophysical/mechanical well logs;

(g) Results of pumping test as required by R.61-58.2(B)(12).

(h) Letter of acceptance from organization responsible for operation and maintenance (must be the same as shown on the application for permit to construct form);

(i) Paint coating(s) used for water storage tank(s);

(j) Copy of recorded legal easement(s) and/or deed restriction(s) for protection of well pollution free radius;

(k) Proof of registration with the S. C. Public Service Commission for new privately owned utilities and homeowner associations;

(l) Proof of testing of all backflow prevention assemblies installed; and,

(m) Copies of any information specified in a special condition of a Department construction permit.

(2) Failure to obtain written approval from the Department prior to placing any newly constructed drinking water facilities into operation is a violation of the Act (Code Section 44-55-40) and is subject to an enforcement action by the Department. Where a person has failed to obtain a permit to construct, an application for permit must be submitted to include record drawings carrying the seal and signature of a professional engineer.

## **L. Drinking Water Dispensing Stations and Vending Machines.**

(1) Any person or public water system desiring to make vended or dispensed water available to the public shall obtain approval from the Department prior to installation and shall obtain approval to operate before placing it into use. All water dispensing stations or vending machines must utilize water from an approved public water system. Each dispensing station or vending machine which provides further treatment is considered a separate public water system and must comply with all applicable requirements for public water systems. Before any approval can be issued technical information on machines and treatment equipment including make and model, rates of filtration, maximum daily output, and method of disinfection; and, complete plans and specifications for each machine or treatment unit shall be submitted to the Department.

(2) Approval is issued for an individual machine at a particular location, connecting to a known public water system. Machine replacement or relocation must be approved by the Department.

(3) A final inspection, total coliform clearance sample and a written approval from the Department is required before placing a machine or dispensing station into operation.

## **M. Bottled Water.**

1. All sources within the state which are used in the manufacturing of bottled water shall be either permitted in accordance with R.61-58.1 or from an existing approved public water system.

2. If an out-of-state source of water is used by a bottled water manufacturing plant located within South Carolina, that source must be approved by the Department prior to use.

3. All treatment used in the manufacturing of bottled water shall be permitted in accordance with R.61-58.1

## **N. Request for Review of Permit Decisions.**

1. An applicant may request that the director of the Department's water supply permitting division review any construction or operating permit decision within 15 (fifteen) days of receipt of the decision. The request shall be in writing and include a detailed justification of the reasons for the review.

2. The director shall respond in writing to the request within 15 (fifteen) days of receipt of the written request. This response may include, but not be limited to, a request for additional information, scheduling of a meeting to discuss the permit decision, or the issuance of a final permit decision.

3. The applicant may appeal the director's final decision on the permit in accordance with R.61-58(C).

## **O. Operating Permits.**

(1) Public water systems which meet any of the following conditions shall obtain and maintain an operating permit from the Department:

(a) A system which has its own source of water (i.e., well or surface water treatment plant);

(b) A system which provides treatment;



(c) A system which sells water to any person; or,

(d) A system which is a carrier which conveys passengers in interstate commerce.

(2) For existing systems, the owner of a system shall complete and submit an application form for an operating permit within ninety (90) days of receipt of written request from the Department. The Department will provide the owner with a copy of the application form with the written request.

(3) Any person making application for a permit to construct a new public water system which meets any of the conditions specified in R.61-58.1.O(1) will not be required to submit a separate operating permit application. The Department will issue an operating permit for the system at the same time the permit to construct is issued. The operating permit will be contingent upon the permittee obtaining approval from the Department to place the newly constructed facilities into operation in accordance with R.61-58.1.K.

(4) For existing systems, the Department shall provide a draft of the operating permit to the applicant for comment, for at least a thirty (30) day period. If the applicant gives written notice of concurrence with the draft permit, the thirty (30) day comment period may be waived. After consideration of any comments received from the applicant, the Department will issue the operating permit. The operating permit will become effective on that date unless a review of the decision is requested in accordance with R.61-58.1(N), or appealed in accordance with R.61-58.C.

(5) The Department may modify an operating permit at any time to include any new promulgated requirements of the Act or these Regulations, to address requirements necessary to ensure compliance with the State Safe Drinking Water Act and these regulations, to include any approved or permitted construction modifications to the system, or to modify a compliance schedule. Permit modifications will be issued in accordance with R.61-58.1.O(3).

(6) The permittee may request a modification of the operating permit at anytime with adequate justification. The permittee shall complete and submit to the Department an operating permit application form along with a detail justification for the modification(s) requested. Permit modifications will be issued in accordance with R.61-58.1.O(3).

(7) An operating permit is non-transferable, except with prior approval of the Department. The permittee shall submit written notification to the Department at least 30 days in advance of the proposed transfer. This notification shall include an operating permit application form which has been completed by the proposed new owner of the system. The Department may request on a case-by-case basis that the proposed new owner of the system submit a business plan which shows how the system will be managed to ensure its long-term viability. If the Department approves of the transfer, a new operating permit will be issued to the new owner of the system in accordance with R.61-58.1.O(3).

(8) An operating permit is non-transferable, except with prior approval of the Department. The permittee shall submit written notification to the Department at least 30 days in advance of the proposed transfer. This notification shall include an operating permit application form which has been completed by the proposed new owner of the system. The Department may request on a case by case basis that the proposed new owner of the system submit a business plan which shows how the system will be managed to ensure its long term viability. If the Department approves of the transfer, a new operating permit will be issued to the new owner of the system in accordance with R.61-58.1.O(4).

(9) If an existing water system is out of compliance with any of the requirements of the Act or these Regulations, the Department may include in the operating permit a schedule for achieving compliance with such requirements.

(10) Once the permittee has satisfactorily complied with the requirements of R.61-58.1.O(9) and necessary corrections have been made to the water system, the permittee may request that the Department revise the sanitary survey rating on the operating permit.

(11) Once the permittee has satisfactorily complied with the requirements of R.61-58.1.O(10) and necessary corrections have been made to the water system, the permittee may request that the Department revise the sanitary survey rating on the operating permit.

(12) The operating permit shall include a condition that requires the submission of a business plan to the Department within six months following the issuance of an “unsatisfactory” rating on any future sanitary survey.

(13) The Department may issue general operating permits for groups of systems with similar operating requirements. The Department may deny coverage under the general operating permit to any system which is not in compliance with the requirements of the Act or these Regulations. The Department may also deny coverage under the general operating permit where specific requirements are necessary to obtain and/or maintain compliance with the Act or these Regulations.

(14) If an existing public water system is divided into two or more smaller water systems, each of the smaller water systems shall comply with the water quality monitoring requirements of the water system prior to it being divided.